

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

1
2 Page 167, line 22, after "IC 6-1.1-20.5" insert ".".
3 Page 167, line 22, delete "and".
4 Page 167, delete line 23.
5 Page 167, line 25, after "IC 6-1.1-20.5" insert ".".
6 Page 167, line 25, delete "and the department of education shall".
7 Page 167, delete line 26.
8 Page 167, line 27, delete "IC 21-3-12 to the property tax replacement fund board".
9 Page 167, line 29, delete "and IC 21-3-12".
10 Page 167, line 32, delete "provided under "IC 21-3-12".
11 Page 167, line 32, delete "If there are sufficient revenues to pay the".
12 Page 167, delete lines 33 through 34.
13 Page 167, line 35 delete "are paid".
14 Page 167, delete lines 37 through 49.
15 Page 168, delete lines 1 through 22, begin a new paragraph and insert:
16 "SECTION 150. IC 6-3.1-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS
17 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
18 **Chapter 21. Elementary and Secondary Education Tax Credit for Education Expenses**
19 **Sec. 1. As used in this chapter, "accredited nonpublic school" means a nonpublic school that:**
20 **(1) voluntarily seeks; and**
21 **(2) receives;**
22 **accreditation as authorized under IC 20-1-1-6(a)(5).**
23 **Sec. 2. As used in this chapter, "eligible dependent" means a dependent, as defined in Section**
24 **151(c)(1)(B) of the Internal Revenue Code, who is enrolled in kindergarten through grade 12 in a public**

1 school or an accredited nonpublic school.

2 Sec. 3. As used in this chapter, "nonpublic school" has the meaning set forth in IC 20-10.1-1-3.

3 Sec. 4. As used in this chapter, "public school" has the meaning set forth in IC 20-10.1-1-2.

4 Sec. 5. As used in this chapter, "qualified education expense" means any of the following expenses
5 incurred by a taxpayer during the taxable year and paid to others for an eligible dependent:

6 (1) Expense for textbooks and instructional materials. This subdivision excludes an expense for
7 textbooks and instructional materials for the teaching of religious tenets, doctrines, or worship when
8 the purpose of the teaching is to instill religious tenets, doctrines, or worship.

9 (2) Personal computer expense for:

10 (A) personal computer hardware, excluding single purpose processors; and

11 (B) educational software that assists an eligible dependent to improve or expand knowledge and
12 skills in core curriculum areas, including language arts, mathematics, science, or social studies;
13 purchased for use in the eligible dependent's home and not used in trade or business.

14 Sec. 6. As used in this chapter, "taxpayer" means an individual who has any adjusted gross income tax
15 liability.

16 Sec. 7. A taxpayer who incurs a qualified education expense is entitled to a credit against the adjusted
17 gross income tax imposed by IC 6-3 for the taxable year during which the taxpayer incurs the qualified
18 education expense. The credit is equal to the lesser of:

19 (1) the taxpayer's qualified education expense multiplied by fifty percent (50%); or

20 (2) fifty dollars (\$50) per eligible dependent.

21 Sec. 8. If both spouses reside in the same household, only one (1) credit may be claimed by the spouses
22 under this chapter for the taxable year. However, in the case of a husband and wife who incur a qualified
23 education expense and file separate tax returns, the husband and wife may take the credit in equal shares
24 or one (1) spouse may take the entire credit.

25 Sec. 9. If the amount of the credit provided by this chapter that a taxpayer uses during a particular
26 taxable year exceeds the sum of the taxes imposed by IC 6-3 for the taxable year after the application of
27 all credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter, the excess
28 shall be returned to the taxpayer as a refund.

29 SECTION 151. [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: IC 6-3.1-21, as added by this act,
30 applies to a taxable year beginning after December 31, 1998."

31 Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 22, 1999.)

Representative Behning